



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 15.07.2019**

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**THE HON'BLE MR.JUSTICE R.SURESH KUMAR**

CONT.P.(MD)No.1398 of 2018

in

W.P.(MD)No.23632 of 2016

K.Kaliyappan

... Petitioner

-Vs-

1.Pandi

The Managing Director,  
The Management of  
Tamil Nadu State Transport Corporation  
(Coimbatore) Ltd.,  
Erode Region, Erode.

2.Muniyappan

The Administrator,  
Tamil Nadu State Transport Employees  
Pension Fund Trust,  
Thiruvalluvar Illum,  
Anna Salai, Chennai-2.

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for wilfully disobeying and not complying with the order of this Court dated 05.12.2016 in W.P(MD).No.23632 of 2016.

Prayer in WP(MD). 23632/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 1st Respondent to pay the petitioner Rs.4,76,538/- towards Gratuity and Rs.48,576/- towards Leave Salary, together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees Contribution Rs.2,10,000/- for the period from 30.06.14 to 30.09.14 at the rate as per E.P.F. Scheme and further directing the 1st and 2nd respondents to pay him arrears of pension for the period from 01.07.2014 by revising his pension together with 18% interest per annum after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement on 30.06.2014 by revising the same as per the settlement dated 13.04.2015 as ordered by the Hon'ble Division Bench of this Court



in its order dated 29.01.2016 in WA(MD)No.1457 of 2015 and etc., batch.

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For Petitioner : Mr.S.Arunachalam  
For Respondents : Mr.K.Sathiyasingh

**ORDER**

This contempt petition has been filed for the alleged disobedience of the order of this Court dated 05.12.2016 made in W.P(MD).No.23632 of 2016.

2.Today, when this contempt petition is taken up for hearing, the learned Standing Counsel appearing for the respondents has made a submission that, the order of this Court has been complied with and in this regard, he has produced the calculation sheet, under which, what are the amount under various heads has been paid to the petitioner, which reads thus:-

"Herewith we enclose the compliance report (fully complied) in respect of the W.P(MD).No.23632 of 2016 filed by Thiru.K.Kaliappan for your kind perusal.

Thiru.K.Kaliappan, PR No.J04046, Retired on 30.06.2014-W.P (MD).No.23632 of 2016.

- |                     |                    |
|---------------------|--------------------|
| 1.PF Amount         | Rs.2,10,906/- paid |
| 2.Gratuity          | Rs.4,35,531/- paid |
| 3.Gratuity interest | Rs.61,356/- paid   |
| 4.Leave Salary      | Rs.3050/- paid     |
| 5.EI interest       | Rs.580/- paid      |

| SL.No. | Payment Head            | Amount<br>Rs. | Cheque<br>No./Details | Paid date                  |
|--------|-------------------------|---------------|-----------------------|----------------------------|
| 1      | P.F.                    | 2,10,906/-    | 148932                | 10.10.14                   |
| 2      | Gratuity<br>4,35,531/-  | 36,294/-      | 72497                 | 07.02.17                   |
|        |                         | 3,99,237/-    | Bank Account          | 23.05.17                   |
|        | Gratuity<br>interest 6% | 61,536/-      | Bank Account          | 27.06.2018 &<br>06.07.2018 |
| 3      | Leave Salary-<br>3050/- | 254/-         |                       |                            |
|        |                         | 2796/-        | Bank Account          | 16.10.17                   |
|        | EL Interest 6%          | 580/-         | Bank Account          | 19.09.18                   |



3. The learned Standing Counsel would further submit that, the said amount incorporated in the said calculation sheet under various heads have already been paid to the petitioner.

4. The learned counsel appearing for the petitioner would submit that, the amount incorporated in the said calculation sheet has been paid and received by the petitioner. However, the learned counsel for the petitioner would submit that, since some more amount is due, which has not been paid by the respondents to the petitioner and in this regard, the calculation given by the respondents may not be correct calculation and still, according to the learned counsel for the petitioner, some amount has to be given by the respondents.

5. In this regard, this Court wants to remind the petitioner's counsel that, in paragraph No.6(iv) of the order passed by this Court in W.P(MD).No.23632 of 2016, it has been stated in the following terms:-

....

(iv) The aforesaid direction to settle the terminal benefits would not preclude the workman to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, he is entitled to received. Likewise, if the petitioner has any grievance that he is entitled.

6. In view of the said clause 6(iv) of the order of this Court dated 05.12.2016, it is open to the petitioner to agitate the issue, if really still more amount has to be given by the respondents, but that cannot be gone into at the stage of contempt, where this Court has to see whether the order of this Court has been complied with or whether there is any wilful disobedience. After gone into the proceedings and after considering the submission made by the learned Standing Counsel for the respondents, this Court is of the view that there is no wilful disobedience and order of this Court has been complied with.

6. In view of the same, no further order is required to be passed in this contempt petition. Accordingly, the Contempt Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //



TO

The Managing Director,  
The Management of  
Tamil Nadu State Transport Corporation  
(Coimbatore)  
Erode Region, Erode.

2. The Administrator,  
Tamil Nadu State Transport Employees  
Pension Fund Trust,  
Thiruvalluvar Illum,  
Anna Salai, Chennai-2.

+1 CC to M/s.K.SATHIYA SINGH, Advocate ( SR-75578[F] dated  
16/07/2019 )

RMK

Order made in  
CONT.P.(MD)No.1398 of 2018  
in  
W.P.(MD)No.23632 of 2016  
Dated:  
**15.07.2019**

\_KM/ (09.09.2019) 4P 4C